

Introduced by Senator Ducheny

February 18, 2003

An act to add Section 12077.5 to the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 255, as introduced, Ducheny. Firearms: firearm eligibility checks.

Existing law requires a licensed firearms dealer to submit specified information to the Department of Justice in connection with the purchase of a firearm to enable the department to determine whether the prospective purchaser is prohibited from purchasing or otherwise possessing a firearm.

This bill would provide a procedure to allow individuals to request that determination without the necessity of a firearm purchase. The bill would authorize the department to charge a fee for this service.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12077.5 is added to the Penal Code, to
2 read:
3 12077.5. (a) An individual may request that the Department
4 of Justice perform a firearms eligibility check for that individual.
5 The applicant requesting the eligibility check shall provide the
6 information required by subdivision (c) of Section 12077 to the
7 department, in an application specified by the department.
8 (b) The department shall charge a fee of twenty dollars (\$20)
9 for performing the eligibility check authorized by this section, but



1 not to exceed the actual processing costs of the department. After
2 the department establishes fees sufficient to reimburse the
3 department for processing costs, fees charged shall increase at a
4 rate not to exceed the legislatively approved cost-of-living
5 adjustment for the department's budget or as otherwise increased
6 through the Budget Act, provided the increase is rounded to the
7 nearest dollar.

8 (c) Upon receipt of a completed application and fee, the
9 department shall do all of the following:

10 (1) Examine its records, and the records it is authorized to
11 request from the State Department of Mental Health pursuant to
12 Section 8104 of the Welfare and Institutions Code, to determine if
13 the purchaser is a person described in Section 12021 or 12021.1
14 of this code, of Section 8100 or 8103 of the Welfare and
15 Institutions Code.

16 (2) The department shall notify the applicant of its
17 determination of whether the applicant is a person described in
18 Section 12021 or 12021.1 of this code, of Section 8100 or 8103 of
19 the Welfare and Institutions Code.

20 (d) If the department determines that the information submitted
21 to it in the application contains any blank spaces, or inaccurate,
22 illegible, or incomplete information, preventing identification of
23 the applicant, or if the required fee is not submitted, the department
24 shall not be required to perform the firearms eligibility check.

25 (e) The department shall be immune from any liability arising
26 out of the performance of the firearms eligibility check, or any
27 reliance upon the firearms eligibility check.

